

REMARKS/ARGUMENT

Claims 32-40, newly added, are pending. Claims 1-3, 5-10, 12-16 and 18-31 have been cancelled without prejudice.

The Office Action once again did not include an initialed copy of the PTO/SB/08 form that accompanied the Information Disclosure Statement dated March 18, 2004. For the convenience of the Examiner, a duplicate copy of that form was enclosed with the last response. The Examiner is requested to initial the form and return it with the next Office Action.

In the most recent Office Action, claims 1-3, 5-10, 12-16, 18, 19, 20-22, 24-26 and 28-30 were rejected under 35 U.S.C. § 103 over U.S. Patent 5,812,688 (Gibson) in view of U.S. Patent 6,154,549 (Arnold) and U.S. Patent 5,666,136 (Fujishita). Claims 23, 27 and 31 were rejected under 35 U.S.C. § 103 over Gibson, Arnold and Fujishita and further in view of U.S. Patent 6,459,797 (Ashour). The above rejections are moot in view of the cancellation of those claims.

Applicants submit that new independent claims 32, 35 and 38 are patentable for at least the following reasons.

The feature of the new independent claims relating to a type of the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof is supported at page 8, lines 10-17 of the present specification.

The independent claims recite, among other things, a feature that the size of the image picture is changed depending upon the value of the parameter set through the setting means when the type of the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof is selected

through the setting means. This feature is neither taught nor suggested in the cited art.

In Gibson, audio parameters are indicated by spheres. The size of the sphere correlates to frequency and amplitude (see column 5, lines 31-42). As is conceded in the Office Action, Gibson does not clearly teach determining an acoustic characteristic obtained by distance between a listener determining a sound source.

The Office Action took the position that Arnold teaches determining an acoustic characteristic obtained by distance between a listener and a sound source (page 3, lines 13-15 of the Office Action). However, Arnold simply teaches that the intensity of the sound varies as $1/r^2$, where r is the distance from the source. Arnold does not teach the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof.

Thus, even if the teaching of Arnold is combined with that of Gibson, there would be no teaching or suggestion of the above-mentioned feature of the independent claims. Neither Fujishita nor Ashour remedy this deficiency of Gibson and Arnold. For at least the foregoing reasons, new independent claims 32, 35 and 38 are patentable over the cited art.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Application No.: 09/593,866

Docket No.: T2171.0184/P184

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Dated: April 13, 2005

Respectfully submitted,

By Joseph W. Ragusa
Joseph W. Ragusa

Registration No.: 38,586
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant